IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 31310 of 1999(B)

PETITIONER:

GEORGE VARGHESE,
S/O. B.F. VARGHESE,
AGED 59 YRS,
MANAGING DIRECTOR,
P. JOHN ZACHARIAH & CO.,
POST BOX NO. 128,
P. JOHN SACHARIAH BUILDING,
KOTTAYAM-1.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
   THIRUVANANTHAPURAM.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   KOTTAYAM CENTRAL.

BY ADV. SRI C.K. KARUNAKARAN SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 53356/1999 IN OP NO. 31310/1999 B.

DISMISSED

16/11/2007. SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTICE BY THE R2 TO THE PETITIONER.

EXT.P2. COPY OF THE STATEMENT BY THE R2 TO THE PETITIONER DT. 28/6/97.

EXT.P3. COPY OF THE ORDER NO. 1601/97 DT. 25/7/97.

EXT.P4. COPY OF THE ORDER NO. B.O. 1921/97 DT. 3/09/97.

EXT.P5. COPY OF THE INVOICE DT. 6/09/97 TO THE PETITIONER.

EXT.P6. COPY OF THE JUDGMENT DT. 18/12/97 IN OP NO. 19177/97 OF THIS COURT.

EXT.P7. COPY OF THE COMMUNICATION DT. 20/2/98 OF THE R2.

EXT.P8. COPY OF THE JUDGMENT DT. 26/2/98 IN OP NO. 3646/98 OF THIS COURT.

EXT.P9. COPY OF THE LETTER DT. 26/2/98 BY THE R2.

EXT.P10. COPY OF THE LETTER DT. 30/09/99 BY THE R2 TO THE PETITIONER.

EXT.P11. COPY OF THE COMMUNICATION DT. 7/12/99 -DO-

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

KURIAN JOSEPH, J.

O.P. NO. 31310 OF 1999

Dated this the 16th day of November, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by the action taken against him during power cut period. It is seen that pursuant to the interim order, reconnection was given.

2. The dispute essentially pertains to the penalty billing during power cut period. This Court in several judgments has directed the Electricity Board to consider whether it is just and equitable to penalize the consumer twice or thrice for the alleged excess consumption.

Accordingly, this original petition is disposed of directing the first respondent to take a decision in the matter in the case of the petitioner also with notice to the petitioner, in accordance with law. Till orders as above are passed, the interim order passed by this Court will continue.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 31310 OF 1999

J U D G M E N T

16.11.2007